

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.10784 of 2006

Dated: 28-07-2006

Between:

D. Lakshma Reddy and three others.

..... PETITIONERS

AND

The Government of Andhra Pradesh,
rep. by its Principal Secretary, Hyderabad, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.10784 of 2006

ORDER:

The petitioners filed this writ petition seeking a writ of Mandamus declaring the action of the respondents in not considering their representation dated 10-02-2006 for mutation of their names in the revenue records as per the judgment and decree dated 30-11-1972 in O.S.No.77 of 1966 on the file of the Court of the Munsif Magistrate, Hyderabad West, and as per the report of the Mandal Revenue Officer(MRO), Rajendranagar Mandal, third respondent herein, vide letter No.D/478/2004 dated 28-03-2006, as illegal and arbitrary. They also seek a consequential direction to the respondents to mutate their names in the revenue records in respect of the land admeasuring Acs.4.29 guntas in survey No.88 (hereinafter called, the subject land) situated at Hyderguda (Bagathguda) Village of Rajendranagar Mandal, Ranga Reddy District, as per the decree in O.S.No.77 of 1966 dated 30-11-1972.

The petitioners claim to be the owners of the subject land having inherited the same from their ancestors. When they came to know that in revenue records the subject land was classified as Kariz khata (government land), they made number of representations, in vain. They, therefore, filed O.S.No.77 of 1966 on the file of the Court of the Munsif Magistrate, Hyderabad West, for declaration of title. The same was decreed on 30-11-1972 in their favour. Be it noted that petitioner No.1 is plaintiff No.1 and petitioners 3 and 4 are legal heirs of plaintiffs 2 and 4 respectively, in the above suit, whereas petitioner No.2 is brother of petitioner No.1. After obtaining decree, petitioners herein made representation to MRO on 10-02-2006. It appears that MRO, having noticed the entries in the revenue records, addressed letter dated 28-03-2006 to the second respondent seeking orders in the matter. The matter is still pending. Therefore, present writ petition is filed by the petitioners alleging that some of the unscrupulous persons are trying to encroach upon the subject land taking advantage of the fact that in the revenue records the same is classified as Kariz khata.

At the stage of admission itself, the learned Assistant Government Pleader has obtained instructions from MRO. He does not dispute that when once the petitioners or their predecessors have obtained a decree against the Government of Andhra Pradesh declaring their title to the subject land, the only course of action for MRO is to proceed under Rule 27(4) of the Andhra Pradesh Rights in Land & Pattadar Pass Books Rules, 1989 (the Rules, for brevity). He submits that as the subject land

has to be reclassified from Kariz khata to patta land, necessary instructions were sought from the Collector and as and when the same are received, the application of the petitioners' will be processed.

This Court, keeping in view the submissions made by the Assistant Government Pleader, is of the considered opinion that interests of justice would be served by directing the second respondent to pass necessary orders on the report submitted by MRO vide letter No.D/478/2006 dated

28-03-2006 within a period of four weeks from the date of receipt of a copy of this order. As and when necessary orders are passed by the second respondent, MRO may take necessary action in accordance with Rule 27(4) of the Rules.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

V.V.S.RAO, J

28th July 2006
ghn